

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 22516

PERMIT 15879

LICENSE _____

ORDER TO CHANGE THE DESCRIPTION OF THE POINT OF DIVERSION,
TO ADD POINTS OF DIVERSION, CHANGE THE PLACE OF USE,
APPROVE A NEW DEVELOPMENT SCHEDULE
AND AMENDING THE PERMIT

WHEREAS:

1. Permit 15879 was issued to Buellton Community Services District Highway 246 on August 27, 1969 pursuant to Application 22516.
2. Petitions to change points of diversion on the San Ynez Underflow, the place of use and for an extension of time within which to develop the project and apply the water to the proposed use have been filed with the State Water Resources Control Board (Board).
3. The expanded place of use remains within the current description so therefore it requires no modification.
4. The Point of diversion denoted as Well No. 4 should be denoted as Well No. 3.
5. Due to the number of people and the quantity of water served by the District a Water Conservation Plan or Actions condition shall be added to the permit.
6. Permittee has proceeded with diligence and good cause has been shown for said changes and for an extension of time.
7. Permit Condition 9 pertaining to the continuing authority of the Board should be updated to conform to Standard Permit Term 12 as contained in Section 780(a), Title 23, California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 2 of this permit be amended to read:

Location of Points of Diversion:

- (1) Well No. 3 North 90 feet and East 1,700 feet from the SW corner of projected Section 7, T6N, R31W, SBB&M; being within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section. Also described as California Coordinate System, Zone 5, North 419,390 and East 1,342,500.
- (2) Well No. 7 North 60 feet and East 1,200 feet from the SW corner of projected Section 7, T6N, R31W, SBB&M; being within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section. Also described as California Coordinate System, Zone 5, North 419,360 and East 1,342,000.
- (3) Well No. 8 North 30 feet and East 550 feet from the SW corner of projected Section 7, T6N, R31W, SBB&M; being within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section. Also described as California Coordinate System, Zone 5, North 419,330 and East 1,341,350.

2. Condition 7 of this permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1996

(0000009)

3. Condition 9 of this permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

4. Condition 12 of this permit be added to read:

Permittee shall consult with the Division of Water Rights and develop and implement a Water Conservation Plan or Actions. The proposed plan or actions shall be presented to the Board for approval within one year from the date of this order or such further time as may, for good cause shown, be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period.

All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein.

(0000029)

Dated: **MARCH 15 1990**


Walter G. Pettit, Chief
Division of Water Rights

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
77 Cadillac Drive
Sacramento, CA 95825



ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND
AMENDING PERMIT

PERMIT 15879

APPLICATION 22516

WHEREAS:

1. A PETITION FOR EXTENSION OF TIME WITHIN WHICH TO DEVELOP THE PROJECT AND APPLY THE WATER TO THE PROPOSED USE HAS BEEN FILED WITH THE STATE WATER RESOURCES CONTROL BOARD.
2. IT APPEARS THAT THE PERMITTEE HAS PROCEEDED WITH DILIGENCE AND THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME.
3. THE STATE WATER RESOURCES CONTROL BOARD HAS DULY AUTHORIZED THE CHIEF, DIVISION OF WATER RIGHTS, TO SIGN THIS ORDER.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A NEW DEVELOPMENT SCHEDULE IS APPROVED AS FOLLOWS:

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL
BE COMPLETED ON OR BEFORE

DECEMBER 1, 1987

2. THE TOTAL ANNUAL DIVERSION AND USE ALLOWED UNDER SAID PERMIT 15879 BE LIMITED TO 1,385 ACRE-FEET.


3. PARAGRAPH 9 OF THE PERMIT BE AMENDED TO READ AS FOLLOWS: PURSUANT TO WATER CODE SECTION 100, ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO, INCLUDING METHOD OF DIVERSION, METHOD OF USE, AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER.

THIS CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO

REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATOPHYTIC GROWTH; AND (5) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD DETERMINES, AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THAT SUCH SPECIFIC REQUIREMENTS ARE PHYSICALLY AND FINANCIALLY FEASIBLE AND ARE APPROPRIATE TO THE PARTICULAR SITUATION.

4. THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD, IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES. (000 0013)

DATED: JUNE 7 1978


R. L. ROSENBERGER, CHIEF
DIVISION OF WATER RIGHTS

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT No. 15879

Application 22516 of Buellton Community Services District, Highway 246, (over)
Buellton, California 93427

filed on July 1, 1966, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Santa Ynez River (underflow)

Pacific Ocean

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
Well No. 4 N 87° 0'E, 1,700' from SW Corner of projected Section 7	SE ¼ of SW ¼	7	6N	31W	SB
	¼ of ¼				
	¼ of ¼				
	¼ of ¼				
	¼ of ¼				
	¼ of ¼				

County of Santa Barbara

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
Municipal	Within the boundaries of the Buellton Community Services District within projected Sections 6, 7 & 18	7	6N	31W	SB	
	1, 12 & 13	6N	32W	SB		

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed 3.1 cubic feet per second by direct diversion to be diverted from January 1 to December 31 of each year. (000 0005)

6. The maximum quantity herein stated may be reduced in the license if investigation warrants. (000 0006)

7. Complete application of the water to the proposed use shall be made on or before December 1, 1974. (000 0009)

8. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Resources Control Board until license is issued. (000 0010)

9. All rights and privileges under this permit, including method of diversion, method of use and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water and to carry out legally established water quality objectives. (000 0012) amended 3-15-90

10. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (000 0011)

11. This permit is issued expressly subject to the terms of that certain stipulation, a copy of which is attached hereto, dated February 12, 1968, between the applicant, Buellton Community Services District, and C. H. Doty and Faye A. Doty, and H. W. Mercer and Charlotte D. Mercer, and placed on record in the office of the State Water Resources Control Board, in connection with Application 22516, to the extent that the provisions of the agreement relate to matters within the jurisdiction of the Board. (000 0024)

4-29-93 asgts City of Buellton;

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: April 29, 1993

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward
Chief, Division of Water Rights

FEB 13 10 51 AM '68

State of California - Resources Agency
STATE WATER RIGHTS BOARD STATE WATER RESOURCES
Room 1140, Resources Building CONTROL BOARD
1416 - 9th Street SACRAMENTO
Sacramento, California 95814

STIPULATION, APPLICATION NO. 22516

It is hereby stipulated by and between the Buellton Community Services District through its attorney, James C. Talaga, and C. H. Doty and Faye A. Doty, and H. W. Mercer and Charlotte D. Mercer, through their attorney, Arden T. Jensen, as follows:

1. Buellton Community Services District hereby recognizes any riparian water rights, appropriative water rights under License No. 1313 (application 2394) belonging to C. H. Doty and Faye A. Doty, and H. W. Mercer and Charlotte D. Mercer, as valid vested rights, prior in time and right to the appropriative rights claimed by the Buellton Community Services District, and its inhabitants, successors and assigns; and the Buellton Community Services District agrees not to interfere with, restrict or impair said water rights.

2. Buellton Community Services District agrees and consents that any order, permit or license issued to the District by the Division of Water Rights shall specifically provide that the rights of the District are subject to and subordinate to the rights of C. H. Doty, et ux, and H. W. Mercer, et ux, as defined above.

3. C. H. Doty, et ux, and H. W. Mercer, et ux, hereby withdraw their protest heretofore filed against Application No. 22516 filed by the Buellton Community Services District.

Dated this 12 day of February, 1968.

BUELLTON COMMUNITY SERVICES DISTRICT

By James C. Talaga
Attorney for Buellton

C. H. DOTY, et ux, and H. W. MERCER,
et ux

By Arden T. Jensen
Attorney for Doty and Mercer